

EXHIBIT A

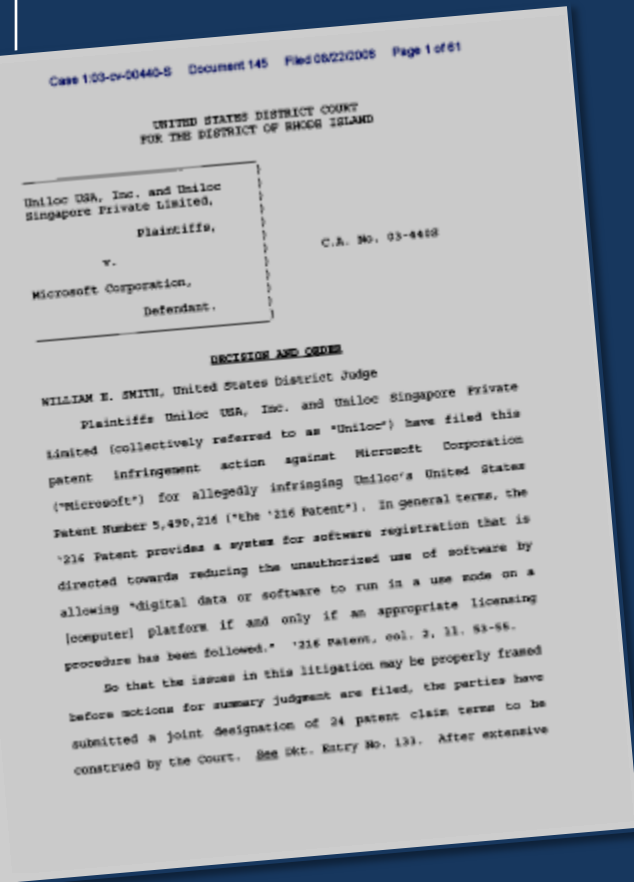
Professor Dan Wallach

Associate Professor of Computer Science
Rice University

"Licensee Unique ID"

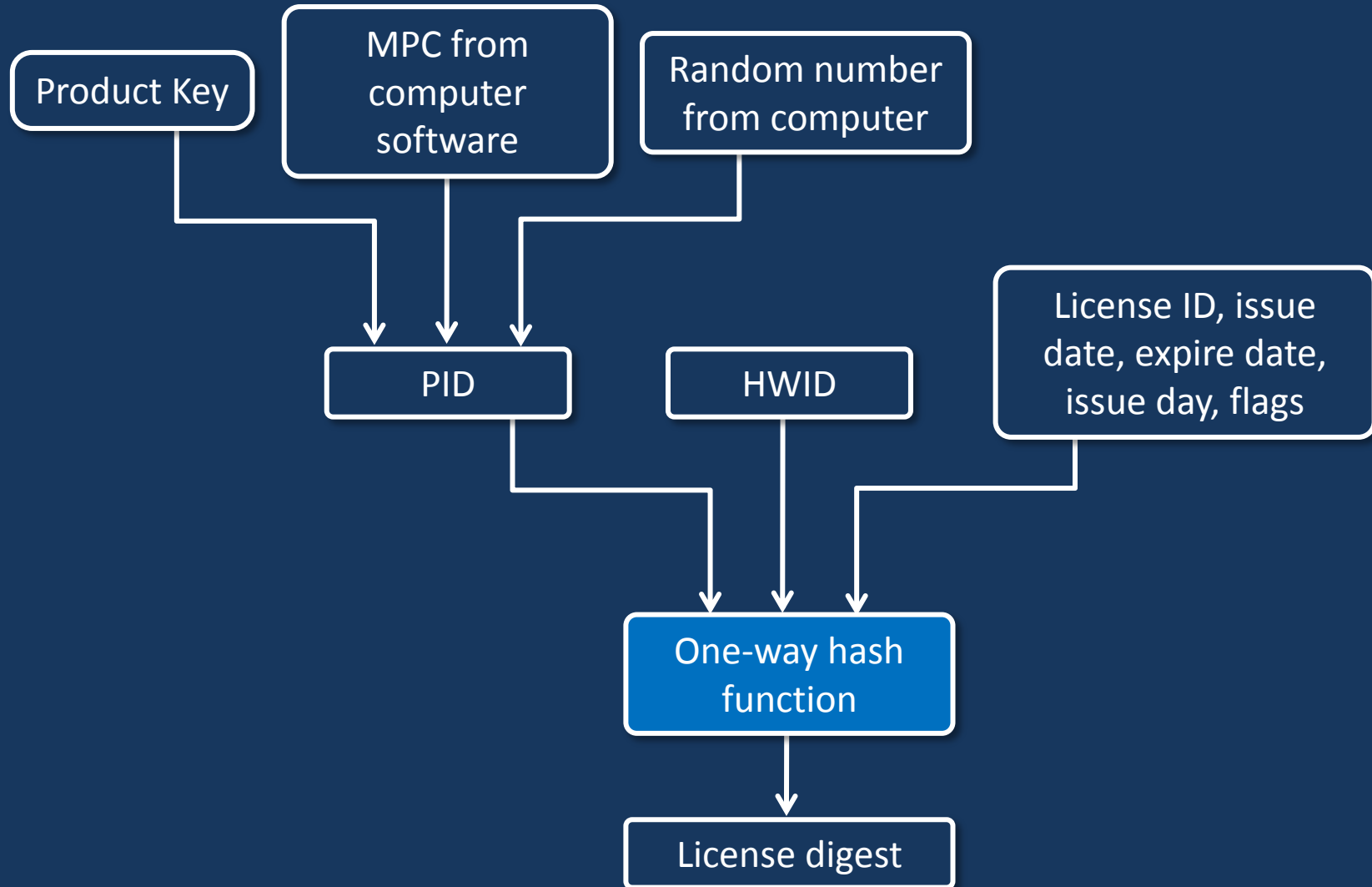
Court's Claim Construction

- A unique identifier associated with a licensee



*08/22/06 Claim Construction Order at
pp. 9*

Inputs to the License Digest



MD-5 Hashing Algorithm



216 Patent Claim 19

5,690,216

36

15 16

17. A method of control of distribution of software, said method comprising providing mode-switching means associated with said software adapted to switch said software between a fully enabled mode and a partly enabled or de-activated mode, said method further comprising providing registration key generating means adapted to generate a registration key which is a function of information unique to an intended user of the software, said mode-switching means comprising means for fully enabling mode only upon receiving said software into fully enabled mode only (1) an enabling key provided to said mode-switching means by said enabling user, or the key of registration of said software has matched identically with said registration key and wherein said enabling key is communicated to said mode-switching means at the time of registration of said software, said enabling key generated by a third party, means of operation of a duplicate copy of said registration key generating means.

18. The method of claim 17, wherein said registration key is a function of the environment in which said software is installed.

19. A remote registration station incorporating remote licensee unique ID generating means, said station forming part of a registration system for licensing execution of digital data in a use mode, said digital data executable on a platform, said system including local licensee unique ID generating means, said system further including mode switching means operable on said platform which permits use of said digital data in said use mode on said platform only if a licensee unique ID generated by said local licensee unique ID generating means has matched a licensee unique ID generated by said remote licensee unique ID generating means; and wherein said remote licensee unique ID generating means comprises software executed on a platform which includes the algorithm utilized by said local licensee unique ID generating means to produce said licensee unique ID.

20. A method of registration of digital data so as to enable execution of said digital data in a use mode, said method comprising: an enabling user operating a registration system for licensing execution of digital data in a use mode, said system including local licensee unique ID generating means and including local licensee unique ID generating means, said system comprising mode switching means operable on said platform which permits use of said digital data in said use mode on said platform only if a licensee unique ID generated by said local licensee unique ID generating means has matched a licensee unique ID generated by said remote licensee unique ID generating means; and wherein said remote licensee unique ID generating means comprises software executed on a platform which includes the algorithm utilized by said local licensee unique ID generating means to produce said licensee unique ID.

21. A method of registration of digital data so as to enable execution of said digital data in a use mode, said method comprising: an enabling user operating a registration system for licensing execution of digital data in a use mode, said system including local licensee unique ID generating means and including local licensee unique ID generating means, said system comprising mode switching means operable on said platform which permits use of said digital data in said use mode on said platform only if a licensee unique ID generated by said local licensee unique ID generating means has matched a licensee unique ID generated by said remote licensee unique ID generating means; and wherein said remote licensee unique ID generating means comprises software executed on a platform which includes the algorithm utilized by said local licensee unique ID generating means to produce said licensee unique ID.

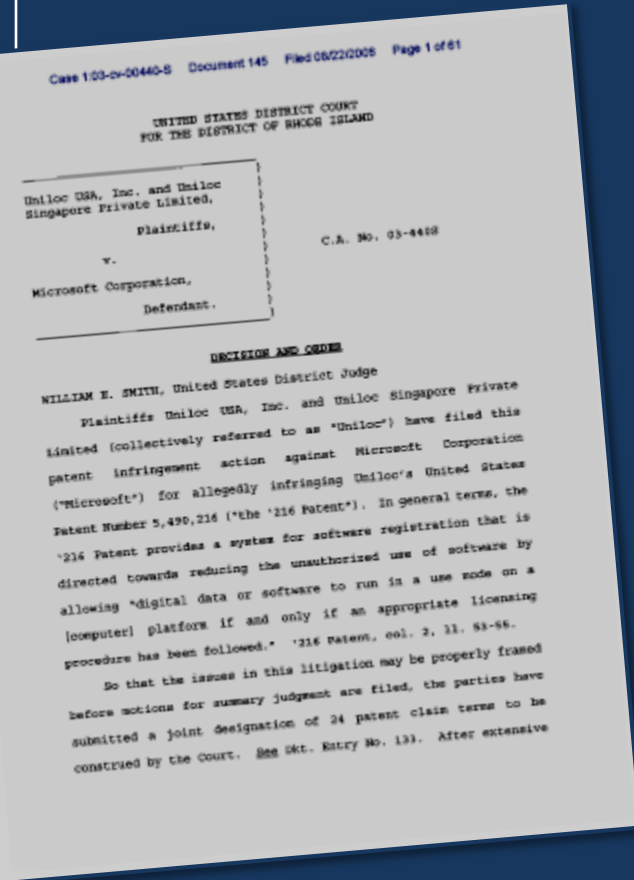
19. A remote registration station incorporating remote licensee unique ID generating means, said station forming part of a registration system for licensing execution of digital data in a use mode, said digital data executable on a platform, said system including local licensee unique ID generating means, said system further including mode switching means operable on said platform which permits use of said digital data in said use mode on said platform only if a licensee unique ID generated by said local licensee unique ID generating means has matched a licensee unique ID generated by said remote licensee unique ID generating means; and wherein said remote licensee unique ID generating means comprises software executed on a platform which includes the algorithm utilized by said local licensee unique ID generating means to produce said licensee unique ID.

Exhibit L-6 at Col 15:21-16:8

"Use Mode"

Court's Claim Construction

- A mode that allows full use of the digital data or software in accordance with the license

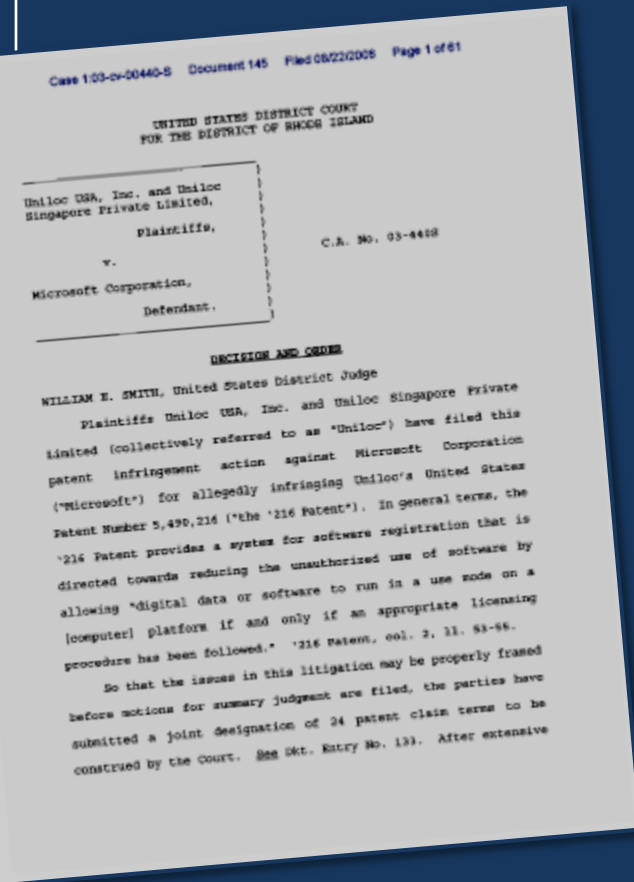


*08/22/06 Claim Construction Order at
pp. 36*

"Mode Switching Means"

Court's Claim Construction

- **Function:** to permit the digital data or software to run in a use mode if the locally generated licensee unique ID matches with the remotely generated licensee unique ID
- **Structure:** program code which performs a comparison of two numbers or a comparator and equivalents thereof



*08/22/06 Claim Construction Order at
pp. 41*

216 Patent Claim 19

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13. A method of control of distribution of software, said method comprising providing mode-switching means associated with said software adapted to switch said software between a fully enabled mode and a partly enabled or de-activated mode, said method further comprising providing registration key generating means adapted to generate a registration key which is a function of information unique to an intended user of the software, said mode-switching means comprising means for enabling said mode-switching means (1) an enabling key provided to said mode-switching means by said enabling user, or the key of registration of said software has matched identically with said registration key and wherein said enabling key is communicated to said enabling user at the time of registration of said software, said enabling key generated by a third party, means of operation of a duplicate copy of said registration key generating means.

14. The method of claim 13, wherein said registration key is a function of the environment in which said software is installed.

15. A remote registration station incorporating remote licensee unique ID generating means, said station forming part of a registration system for licensing execution of digital data in a use mode, said digital data executable on a platform, said system including local licensee unique ID generating means, said system further including mode-switching means operable on said platform which permits use of said digital data in said use mode on said platform only if a licensee unique ID generated by said local licensee unique ID generating means has matched a licensee unique ID generated by said remote licensee unique ID generating means; and wherein said remote licensee unique ID generating means comprises software executed on a platform which includes the algorithm utilized by said local licensee unique ID generating means to produce said licensee unique ID.

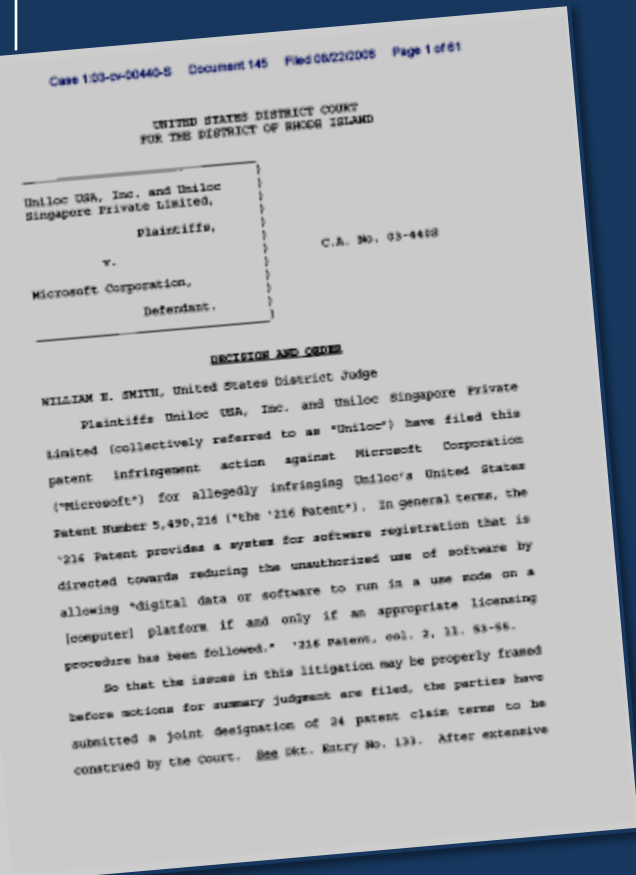
19. A remote registration station incorporating remote licensee unique ID generating means, said station forming part of a **registration system** for licensing execution of digital data in a use mode, said digital data executable on a platform, said system including local licensee unique ID generating means, said system further including mode switching means operable on said platform which permits use of said digital data in said use mode on said platform only if a licensee unique ID generated by said local licensee unique ID generating means has matched a licensee unique ID generated by said remote licensee unique ID generating means; and wherein said remote licensee unique ID generating means comprises software executed on a platform which includes the algorithm utilized by said local licensee unique ID generating means to produce said licensee unique ID.

Exhibit L-6 at Col 15:21-16:8

"Registration System"

Court's Claim Construction

- A system that allows digital data or software to run in a use mode on a platform if and only if an appropriate licensing procedure has been followed



*08/22/06 Claim Construction Order at
pp. 49*

Invalidity

MS-U

Additional objects and features of the p
... will appear from the description

DDX-80

Heliman '093 Patent

U.S. Patent Apr. 14, 1987 Sheet 4 of 4 4,658,093

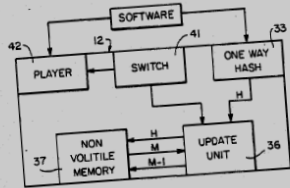


FIG. 8

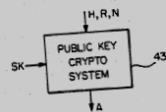


FIG. 9

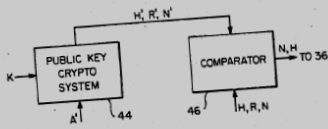


FIG. 10

MS-U 461762

Exhibit S-3

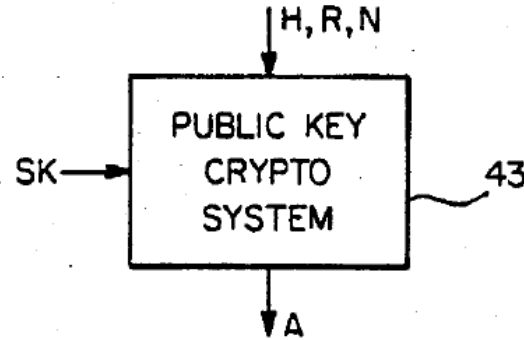


FIG. 9

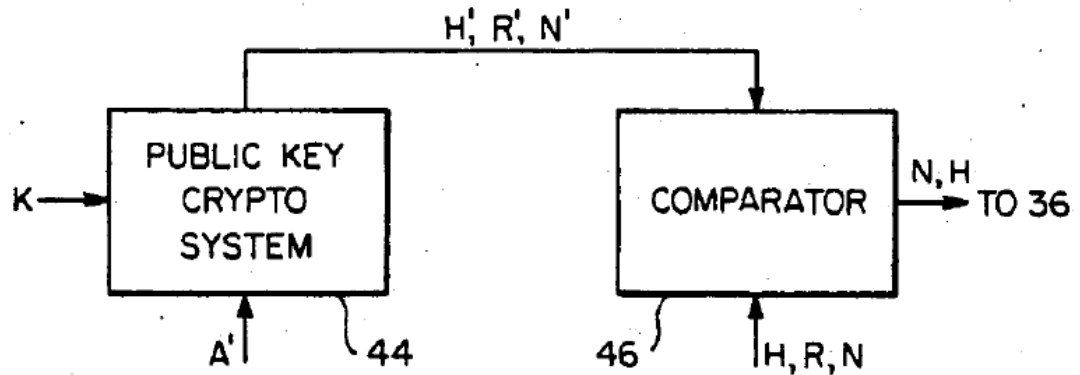


FIG. 10

Heliman '093 Patent

If H, R and N are larger than the message size which can be signed by public key cryptosystem 43 of FIG. 9, then a one-way hash function of H, R, and N can be used as input signal to public key cryptosystem 43 instead. In that case, comparator 46 of FIG. 10 would be given the hashed value of H, R and N to compare with the output of public key cryptosystem 44.

Exhibit S-3 at Col. 11:62-68

Features Common To Hellman And PA

- Both Hellman and the accused aspect of Product Activation use **one-way hash functions**
- Both have an **input to the one-way hash function** derived from the **software**
- Both have an **input to the one-way hash function** derived from the **computer's hardware**
- Both use a **random number** as an input

216 Patent Claim 19

19. A remote registration station incorporating remote licensee unique ID generating means,

said station forming part of a registration system for licensing execution of digital data in a use mode,

said digital data executable on a platform,

said system including local licensee unique ID generating means,

said system further including mode switching means operable on said platform which permits use of said digital data in said use mode on said platform only if a licensee unique ID generated by said local licensee unique ID generating means has matched a licensee unique ID generated by said remote licensee unique ID generating means;

and wherein said remote licensee unique ID generating means comprises software executed on a platform which includes the algorithm utilized by said local licensee unique ID generating means to produce said licensee unique ID.

Exhibit L-6 at Col 15:21-16:8

Obviousness Considerations

- I considered whether claim 19 was no more than a predictable use of elements from the prior art according to their established functions.
- I considered whether the claimed invention applied a known technique that had been used to make similar improvements before.
- And I considered whether it would have been “obvious to try” the claimed invention, meaning that it was one of a small number of possibilities with a reasonable chance of success.

Person Of Ordinary Skill In The Art

- The person of ordinary skill in the art would be one with a bachelor's degree in computer science from an accredited or recognized institution along with two years of industrial experience developing software that uses techniques from the field of computer security and cryptography
- The person of ordinary skill could also be a programmer with at least five years of industrial experience, at least two years of which were spent developing software that uses techniques from the fields of computer security and cryptography

216 Patent Claim 19

19. A remote registration station incorporating remote licensee unique ID generating means,

said station forming part of a registration system for licensing execution of digital data in a use mode,

said digital data executable on a platform,

said system including local licensee unique ID generating means,

said system further including mode switching means operable on said platform which permits use of said digital data in said use mode on said platform only if a licensee unique ID generated by said local licensee unique ID generating means has matched a licensee unique ID generated by said remote licensee unique ID generating means;

and wherein said remote licensee unique ID generating means comprises software executed on a platform which includes the algorithm utilized by said local licensee unique ID generating means to produce said licensee unique ID.

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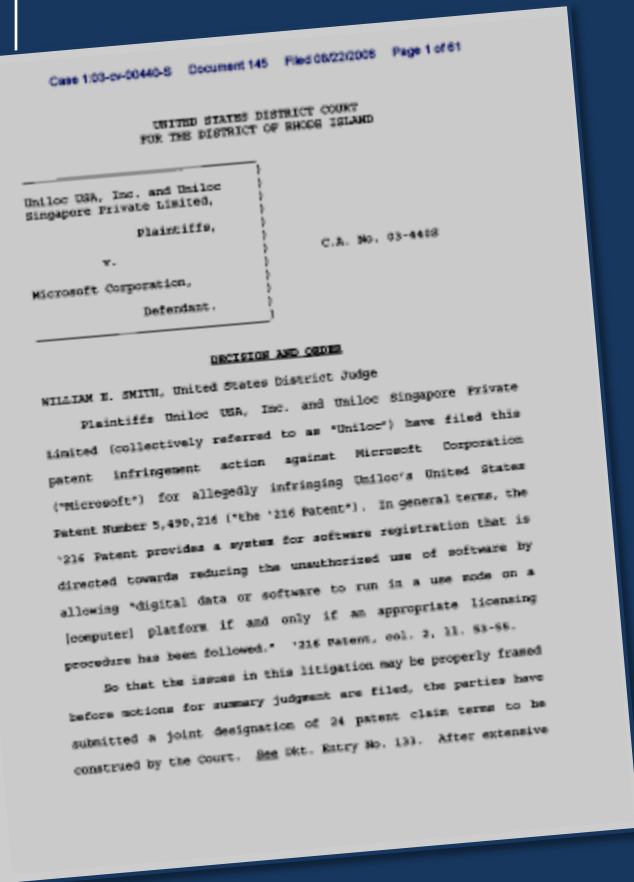
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Exhibit L-6 at Col 15:21-16:8

"Use Mode"

Court's Claim Construction

- A mode that allows full use of the digital data or software in accordance with the license

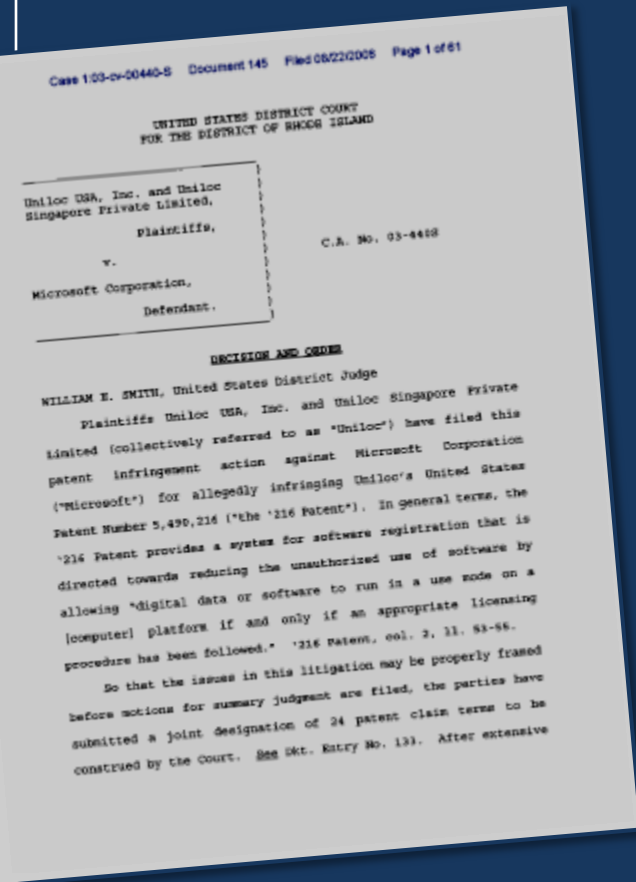


*08/22/06 Claim Construction Order at
pp. 36*

"Registration System"

Court's Claim Construction

- A system that allows digital data or software to run in a use mode on a platform if and only if an appropriate licensing procedure has been followed



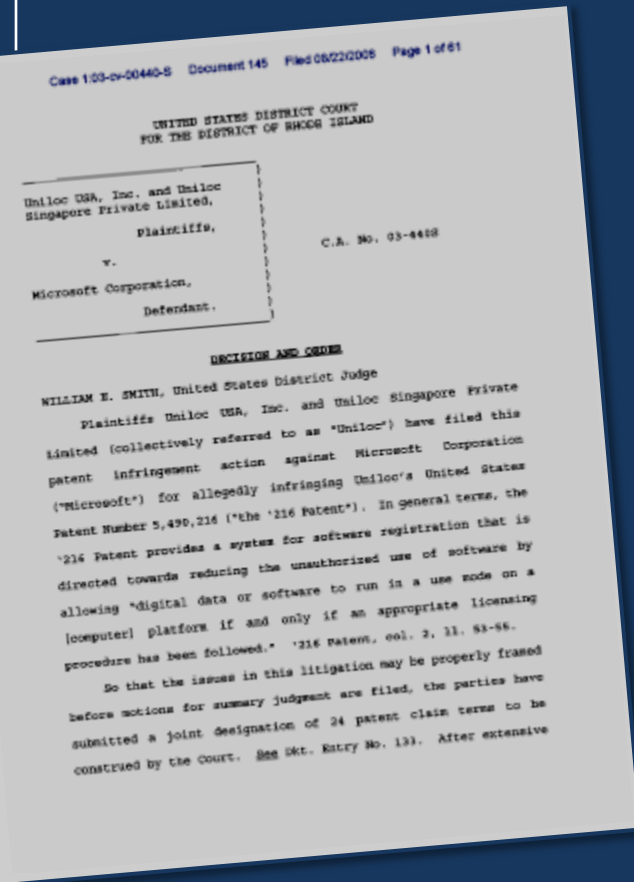
*08/22/06 Claim Construction Order at
pp. 49*

Exhibit S-3 at Col. 4:33-35

"Mode Switching Means"

Court's Claim Construction

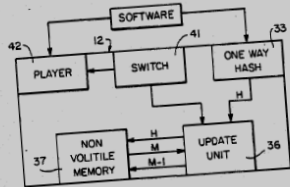
- **Function:** to permit the digital data or software to run in a use mode if the locally generated licensee unique ID matches with the remotely generated licensee unique ID
- **Structure:** program code which performs a comparison of two numbers or a comparator and equivalents thereof



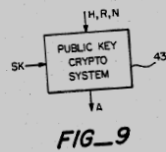
08/22/06 Claim Construction Order at pp. 41

Heliman '093 Patent

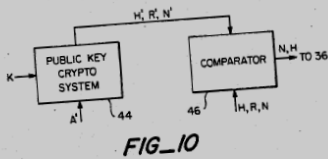
U.S. Patent Apr. 14, 1987 Sheet 4 of 4 4,658,093



FIG_8

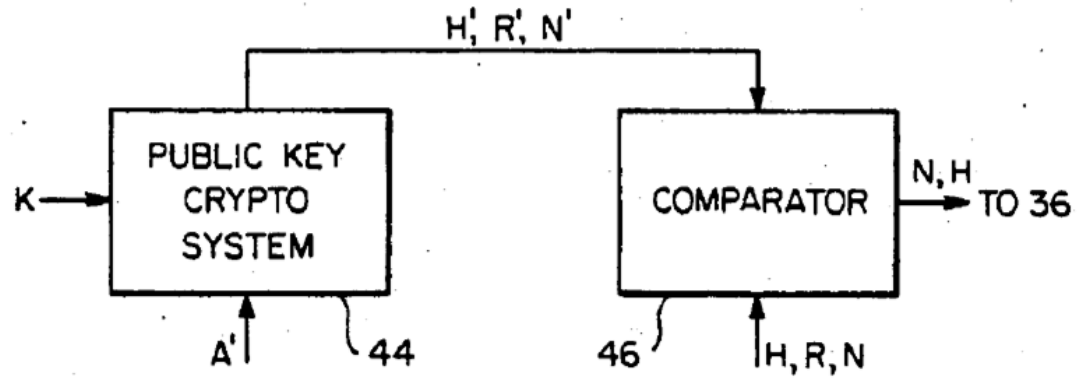


FIG_9



FIG_10

MS-U 461762



FIG_10

Exhibit S-3

Heliman '093 Patent

4,658,293

FIG. 2 is a block diagram of a pay per use software control system.

FIG. 3 is a block diagram of an authorization and billing unit for generating an authorization for additional software use in the pay per use software control system of FIG. 2.

FIG. 4 is a block diagram of a one-way hash function for performing one-way hashing operations in the authorization and billing unit of FIG. 3, and in the base unit during use of software of FIG. 4.

FIG. 5 is a block diagram of a cryptographic function used for generating authorization in the authorization and billing unit of FIG. 3 and in the cryptographic checking unit of FIG. 7.

FIG. 6 is a block diagram of a base unit during generation of a request for additional software use in the pay per use software control system of FIG. 2.

FIG. 7 is a block diagram of a base unit during verification of additional software use in the pay per use software control system of FIG. 2.

FIG. 8 is a block diagram of a cryptographic checking unit in a base unit during verification of additional software use in the pay per use software control system of FIG. 2.

FIG. 9 is a block diagram of an alternative implementation of a cryptographic function used for generating authorization in the authorization and billing unit of FIG. 3.

FIG. 10 is a block diagram of an alternative implementation of a cryptographic checking unit in a base unit during verification of additional software use in the pay per use software control system of FIG. 2.

FIG. 11 is a block diagram of a base unit during generation of a request for additional software use in the pay per use software control system of FIG. 2.

FIG. 12 is a block diagram of a base unit during verification of additional software use in the pay per use software control system of FIG. 2.

FIG. 13 is a block diagram of a base unit during verification of additional software use in the pay per use software control system of FIG. 2.

FIG. 14 is a block diagram of a base unit during verification of additional software use in the pay per use software control system of FIG. 2.

FIG. 15 is a block diagram of a base unit during verification of additional software use in the pay per use software control system of FIG. 2.

FIG. 16 is a block diagram of a base unit during verification of additional software use in the pay per use software control system of FIG. 2.

FIG. 17 is a block diagram of a base unit during verification of additional software use in the pay per use software control system of FIG. 2.

FIG. 18 is a block diagram of a base unit during verification of additional software use in the pay per use software control system of FIG. 2.

FIG. 19 is a block diagram of a base unit during verification of additional software use in the pay per use software control system of FIG. 2.

FIG. 20 is a block diagram of a base unit during verification of additional software use in the pay per use software control system of FIG. 2.

FIG. 21 is a block diagram of a base unit during verification of additional software use in the pay per use software control system of FIG. 2.

FIG. 22 is a block diagram of a base unit during verification of additional software use in the pay per use software control system of FIG. 2.

FIG. 23 is a block diagram of a base unit during verification of additional software use in the pay per use software control system of FIG. 2.

FIG. 24 is a block diagram of a base unit during verification of additional software use in the pay per use software control system of FIG. 2.

FIG. 25 is a block diagram of a base unit during verification of additional software use in the pay per use software control system of FIG. 2.

FIG. 26 is a block diagram of a base unit during verification of additional software use in the pay per use software control system of FIG. 2.

FIG. 27 is a block diagram of a base unit during verification of additional software use in the pay per use software control system of FIG. 2.

FIG. 28 is a block diagram of a base unit during verification of additional software use in the pay per use software control system of FIG. 2.

FIG. 29 is a block diagram of a base unit during verification of additional software use in the pay per use software control system of FIG. 2.

FIG. 30 is a block diagram of a base unit during verification of additional software use in the pay per use software control system of FIG. 2.

FIG. 31 is a block diagram of a base unit during verification of additional software use in the pay per use software control system of FIG. 2.

FIG. 1 is a block diagram of a pay per use software control system.

FIG. 2 is a block diagram of a pay per use software control system.

FIG. 3 is a block diagram of a pay per use software control system.

FIG. 4 is a block diagram of a pay per use software control system.

FIG. 5 is a block diagram of a pay per use software control system.

FIG. 6 is a block diagram of a pay per use software control system.

FIG. 7 is a block diagram of a pay per use software control system.

FIG. 8 is a block diagram of a pay per use software control system.

FIG. 9 is a block diagram of a pay per use software control system.

FIG. 10 is a block diagram of a pay per use software control system.

FIG. 11 is a block diagram of a pay per use software control system.

FIG. 12 is a block diagram of a pay per use software control system.

FIG. 13 is a block diagram of a pay per use software control system.

FIG. 14 is a block diagram of a pay per use software control system.

FIG. 15 is a block diagram of a pay per use software control system.

FIG. 16 is a block diagram of a pay per use software control system.

FIG. 17 is a block diagram of a pay per use software control system.

FIG. 18 is a block diagram of a pay per use software control system.

FIG. 19 is a block diagram of a pay per use software control system.

FIG. 20 is a block diagram of a pay per use software control system.

FIG. 21 is a block diagram of a pay per use software control system.

FIG. 22 is a block diagram of a pay per use software control system.

FIG. 23 is a block diagram of a pay per use software control system.

FIG. 24 is a block diagram of a pay per use software control system.

FIG. 25 is a block diagram of a pay per use software control system.

FIG. 26 is a block diagram of a pay per use software control system.

FIG. 27 is a block diagram of a pay per use software control system.

FIG. 28 is a block diagram of a pay per use software control system.

FIG. 29 is a block diagram of a pay per use software control system.

FIG. 30 is a block diagram of a pay per use software control system.

FIG. 31 is a block diagram of a pay per use software control system.

tion. This allows H to be stored more economically than the software package 17 in the base unit's memory. Storage of H or of the complete software package 17 is desirable to increase the security of the system because storage of only SOFTWARE NAME would allow a dishonest user to rename software packages and pay for uses of less expensive packages when really using more expensive ones. A method for implementing one-way hash function generator 22 is depicted in FIG. 3, which will be explained shortly.

Exhibit S-3 at Col. 4:52-62

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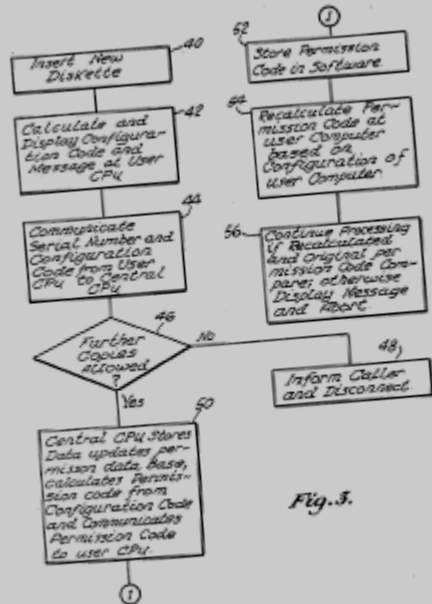


Fig. 3.

Exhibit Q-1

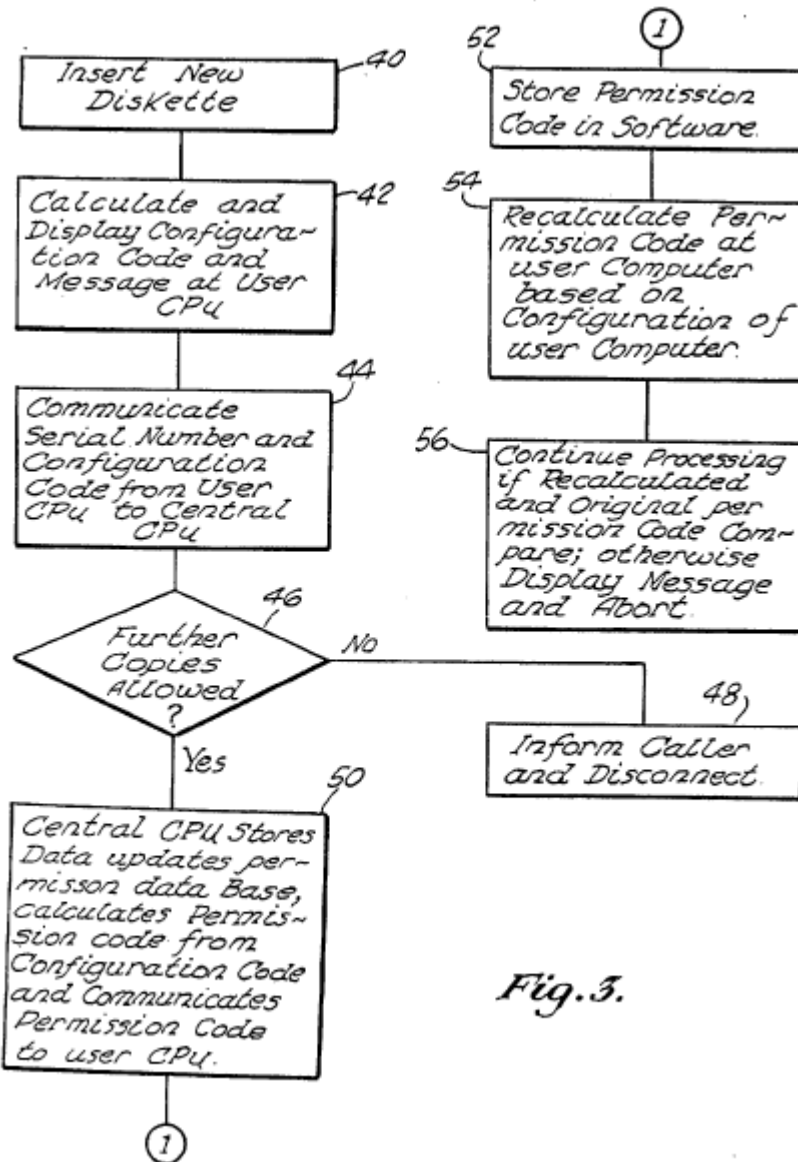


Fig. 3.

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4,796,220

should be understood that the configuration code may, if desired, be encrypted or compressed in any conventional or proprietary manner. It is only necessary that a corresponding second control program in control computer 12 is correspondingly programmed to understand the configuration code. For example, the Mode Number, as previously mentioned, may be key number between 00 and 99 and the number is based on a physical element entry, such as the number of controls (joystick) based on a hard disk by using a special formatting program. However, the Mode Number included in the configuration code may be different than the number measured, due to an encryption inclusion. For example, the Mode Number in the configuration code may be determined by first adding a number based on a physical element entry to the sum of the last digits of the configuration code to form and then adding that number to the measured value. Such addition could occur either before or after the measured physical element number is formed to an even or odd number if it is desirable to be formed to an even or odd number if it is desirable to control the control of soft and hard data in different manner.

Once the serial number and configuration code is communicated to control computer 12 by either modem 10 or telephone 16, control computer 12 performs the necessary checks against the serial number and mode number. Then, control computer 12 calculates the permission code based on the hardware configuration information provided therein. Control computer 12 then uses the difference algorithm to see if the calculated permission code and the particular one selected relates to the Mode Number. If the Mode Number is 75, then the difference algorithm to calculate the permission code may be the sum of the RAM size plus the hard disk size, times the percent of free space. For a different Mode Number, a different algorithm using different portions of the configuration code information is used to calculate the permission code.

After the permission code generated by computer 12 is received and stored in user computer 16, user computer 16 is able to determine, with the appropriate additional information that may be contained in the permission code (or previously included in the control program) the reconstituted of a permission code based on receiving the hardware configuration. As long as the permission code and the original permission code are the same, execution of the application program on the user computer 16 is allowed to continue. This is also true for any backup copies of the application program which the user desires to create, since the reproduction of the permission code results in the same permission code as one originally received.

However, if a person attempts to create a copy of the software on another machine, the attempt to reconstitute the permission code would result in a different permission code being reconstituted. In this manner, the permission code being reconstituted with the application program would not match the permission code and would thus prevent execution. However, if the person would then prevent execution, a message could be placed on the screen advising the user that the use or second machine must be registered. In such an instance, the second machine user would communicate with control

computer 12, as previously explained, and would receive a new, and different, permission code based on the hardware configuration of the second machine. However, where all of the relevant machines had previously been registered, control computer 12 would immediately know the fact from checking its data base information. In such an event, control computer 12 would communicate back the message indicating that no additional machines had been authorized. The user could then obtain the additional authorization by providing the required fee to use the software only on an authorized machine, such as user computer 16.

Referring now to FIG. 2, a flow diagram of the process of the present invention is shown.

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code. For example, if the Mode Number is 75, then the algorithm to calculate the permission code may be the sum of the RAM size plus the hard disk size, times the percent of free space. For a different Mode Number, a

Exhibit Q-1 at Col. 7:35-38

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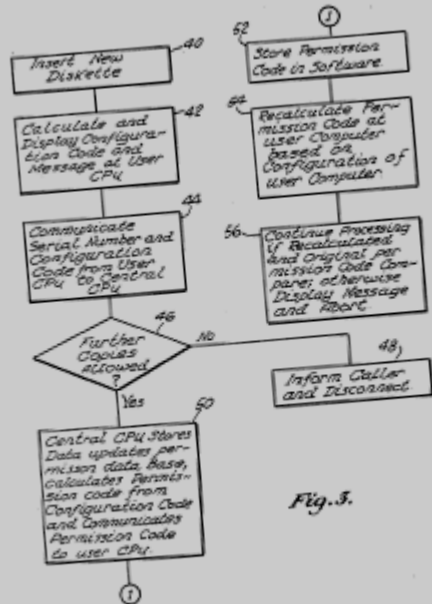


Exhibit Q-1

